

#### REMARKS

Claims 1-3, 6-11, and 14-16 are pending. Claims 4-5, 12-13 and 20-21 were previously canceled. Claims 17-19 and 22-24 are canceled. Claims 1 and 9 are independent claims.

Claims 1-3, 6-7, 9-11, and 14-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (Publication Application No. 2005/0028208) ("Ellis") in view of Ellis (U.S. Patent 6,774,926) ("Ellis '926").

Claims 1 and 9, the only independent claims, have each been amended to recite the additional steps of: "transmitting the EPG over the Internet to a web-enabled cellular phone having a first video display; displaying the EPG on a second video display associated with a television; simultaneously displaying the EPG on the first video display of the web-enabled cellular phone and the second video display associated with the television;" or similar language. Ellis does not disclose or describe at least this quoted claim feature.

Ellis describes a system for allowing users to record programs. Specifically, Ellis is directed toward remote access to the local Electronic Program Guide ("EPG"). See e.g. Paragraph 002 ("This invention relates ... to interactive television program guide systems that provide remote access to program guide functionality.") Ellis does not envision, and does not disclose, the ability to display and control the EPG on the user's video display, such as a television monitor, at the same

time the EPG is displayed and controlled on the user's web-enabled cellular telephone.

For instance, unlike Ellis, a user of the present invention, sitting in the same room as her television set, can call up the EPG on her web-enabled cellular telephone, which in turn will result in the EPG being displayed both on her television and on her web-enabled cellular telephone.

Another example scenario may be instructive. Multiple viewers watching the same television program can each use their own web-enabled cellular telephones to view the EPG, without need for the EPG to be displayed on the common television display. When there is a discussion as to what else is available to watch, one of these users can execute the teachings of this invention by calling up the EPG she is viewing on her web-enabled cellular phone so that it also appears on the television display. This way, the group watching television can all now see what the individual user was viewing on her web-enabled cellular telephone. When the group reaches consensus, this user, or any other user with a web-enabled cellular telephone, can make the proper selection to change what the group is viewing on the television display. Respectfully, Ellis does not disclose at least this inventive feature.

Each dependent claim derives from either claim 1 or claim 9, and thus necessarily includes this inventive feature. Accordingly, all pending claims are believed to be in a form patentable over Ellis.

Further, as the Examiner knows, in determining obviousness, "[t]he claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggested the desirability, and thus the obviousness, of making the combination." Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 USPQ 481 488 (Fed. Cir. 1984).

As the Examiner is no doubt aware, the Supreme Court recently explained the standards for obviousness:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

*KSR International Co. v. Teleflex, Inc.*, No 04-1350 at 14 (U.S. Apr. 30, 2007). Further, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (quoting and citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Moreover, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.* Thus, "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *Id.*

Combining Ellis with what was known in the art at the time of the invention does not teach the features of the present

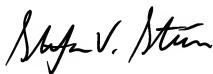
invention. For example, combining Ellis with Ellis '926 teaches a system that allows remote program guide access, which can be accomplished using a cellular telephone. This is very different from concurrently controlling the EPG on the television and on one or more web-enabled cellular telephones, allowing multiple users at the same time to view and control the EPG. Thus, none of the pending claims is obvious in view of Ellis and Ellis '926.

Similarly, combining Ellis, Ellis '926 and Terakado does not disclose the features taught by claims 8 and 16 herein. Adding Terakado to Ellis and Ellis '926 does not provide a system which allows users to view and manipulate an EPG displayed both on their web-enabled cellular telephones and on the television screen. Accordingly, claims 8 and 16 are not obvious in view of Ellis, Ellis '926 and Terakado.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,



---

Stefan V. Stein Reg. No. 29,702  
Holland & Knight LLP  
P.O. Box 1288  
Tampa, Florida 33601-1288  
Telephone: 813/227-8500  
Facsimile: 813/229-0134

# 4486884\_v2